

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

February 22, 2005

CALL TO PODIUM:

Jacqueline Marsh

RESPONSIBLE STAFF:

Jacqueline Marsh, Associate Planner

Greg Ossont, Director of Planning and Code

AGENDA ITEM:

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
	Public Hearing
	Historic District Commission
	Consent Item
	Ordinance
	Resolution
X	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Adopted	10/22/2004
	10/27/2004
Hearing Date	11/15/2004
Record Held Open	2/17/2005
Policy Discussion	2/22/2005

TITLE: Policy Discussion

SDP-04-002 Requests an Amendment to Schematic Development Plan SDP-7-1, Market Square, Parcel A, Block WW, Building J to Convert 6,000 Square Feet of Retail Land Use to Restaurant Use and a 33 space parking waiver

SUPPORTING BACKGROUND:

At their meeting of February 16, 2005, the Planning Commission recommended approval of this SDP amendment to the Mayor and City Council. The conditions listed in the staff analysis (Exhibit #38) were modified by the Planning Commission as stated by their CPC memorandum (Exhibit #44).

Attached is the Index of Memoranda and the additional exhibits received since the joint public work session on January 24, 2005, and prior to the closing of the City Council's record on February 17, 2005. These exhibits are listed in bold type on the Index of Memoranda. Staff will give a brief summary and requests guidance from the Council. If approved by the City Council, this plan will go forward to the Planning Commission for Final Site Plan review.

DESIRED OUTCOME:

Provide staff guidance

Joint Public Hearing, November 15, 2004
Joint Work Session, January 25, 2005
Planning Commission Recommendation, February 16, 2005
Mayor and City Council Policy Discussion, February 22, 2005

Index of Memoranda
SDP-04-002 (Amendment to SDP 7-1)
Kentlands Market Square

Number	Exhibit
1.	Application
2.	Letter from Gary Unterberg, dated August 13, 2004
3.	Parking Count Study for Kentlands/Lakelands, Market Square, dated May 13, 2004
4.	Parking Inventories Datasheet, dated August 13, 2004
5.	SDP-7-1 Amendment Cover Sheet
6.	SDP-7-1 Amendment Site and Storm Water Drainage Plan
7.	SDP-7-1 Amendment Site and Storm Water Drainage Details
8.	SDP-7-1 Amendment Landscape Plan
9.	SDP-7-1 Amendment Landscape Details
10.	Vicinity Map
11.	Record Plat 110 - Kentlands Market Square, Parcel A, Block TT
12.	Record Plat 111 – Kentlands Market Square, Parcel A, Block WW and XX
13.	Letter from Gary Unterberg, dated November 8, 2004
14.	Market Square Kentlands Parking Requirements, November 8, 2004
15.	Parking Count Study for Kentlands/Lakelands, Market Square, dated November 8, 2004 (1)
16.	Proposed Parking Scenario, dated November 8, 2004
17.	Public Hearing notice, sent October 29, 2004 to required parties
18.	Notice to include legal ad for Joint Public Hearing, in the October 22 and October 27 issues of the <i>Gaithersburg Gazette</i>

19. Mayor and Council Agenda Cover Sheet for November 15, 2004 Joint Public Hearing
20. Letter from Richard W. Foley, dated November 15, 2004
21. E-mail from Clark Wagner, dated November 16, 2004
22. Letter from Richard Arkin, received November 15, 2004
23. Certified copy of the Notice of Public Hearing as published in the October 22 and October 27, 2004 issues of the *Gaithersburg Gazette*
24. Minutes from Joint Public Hearing, November 15, 2004
25. Parking Count Study for Kentlands/Lakelands, Market Square (2)
26. Transcript of Public Hearing, November 15, 2004
27. Letter from Gary Unterberg with revised Market Square Parking Requirements, dated January 19, 2005
28. Parking Count Study (site plan), dated December 17, 2004
29. Amended Exhibit #16: Proposed Parking Scenario, dated January, 2005
30. Mayor and Council Agenda Cover Sheet for January 24, 2005 Joint Work Session
31. **Letter from Gary Unterberg, dated February 9, 2005**
32. **Amended Exhibit #5: SDP-7-1 Amendment, Cover Sheet**
33. **Amended Exhibit #6: SDP-7-1 Amendment, Site Plan**
34. **Amended Exhibit #7: SDP-7-1 Amendment, Site Details**
35. **Amended Exhibit #8: SDP-7-1 Amendment, Landscape Plan**
36. **Amended Exhibit #9: SDP-7-1 Amendment, Landscape Details**
37. **Letter from Frederick and Dorothea Thoms, dated February 7, 2005**
38. **Staff Analysis**
39. **E-mail from Ed Fowlkes, Jr., dated February 15, 2005**
40. **E-mail from Mary Bostwick, dated February 15, 2005**
41. **E-mail from Michael Rosen, dated February 15, 2005**
42. **E-mail from Debbie Quintal, dated February 15, 2005**
43. **E-mail from Janice Roberts, dated February 16, 2005**
44. **CPC; voting record and conditions from Planning Commission meeting of February 16, 2005**

RODGERS CONSULTING

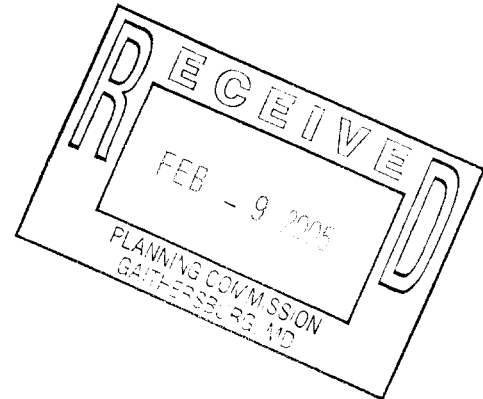
Enhancing the value of land assets

February 9, 2005

City of Gaithersburg
Planning and Code Administration
31 South Summit Avenue
Gaithersburg, MD 20877

Attention: Ms. Jacqueline Marsh
Associate Planner

Re: Market Square Kentlands/Lakelands
Amendment, SDP -04-002



Dear Ms. Marsh,

On behalf of The Beatty Company we are submitting the following information for discussion at the February 16, 2005 Planning Commission meeting. Enclosed are two copies of the revised Schematic Development Plan and two 11" x 17" copies of the revised SDP. The following is a summary of the site history, revised proposed development and request for a parking waiver as previously discussed.

History/Existing Condition

The Market Square center (retail, theatre and restaurant uses) is parked at 5 spaces per 1,000 sq. ft of retail use. The existing development is 254,650 sq. ft. of retail, theatre and restaurant use. A total of 1274 spaces are required, which includes up to 15% restaurant use. A total of 1279 spaces exist. Per code there is a surplus of 5 spaces using the required 5 spaces per 1,000 sq. ft for retail centers over 250,000 square feet.

Proposed Development

The SDP revision only requests that existing Building 'J' (6,000 sq. ft.) be reclassified from retail to restaurant. The proposed Building K (6,200 sq. ft. of restaurant) has been deleted from the plan. The future retail space as shown on the original approval is shown for future consideration. The restaurant uses have been noted on the plan and the outdoor seating areas are shown.

Parking Waiver

A parking waiver of approximately 33 spaces is requested. The final number for the waiver and the waiver is required to be approved by the Planning Commission as part of the Site Plan Approval. The specific parking calculations are attached. The waiver is required since the amount of restaurant space proposed exceeds the 15% requirement of the original approval. With the reclassification of Building J to 6,000 sq. ft. of restaurant an additional 48 spaces are required. A waiver of 33 spaces is requested since there is a surplus of 5 spaces and 10 new spaces are proposed.

Per the request of the City, a Parking Count Study was done in December 2004 to supplement the counts from April 2004. The new counts were taken the week before the Christmas holiday. The Parking counts are documented on the 'Parking Count Study, Friday 12/17/04, 7 pm' exhibit. The worst case scenario was Friday, 12/17/04 at 7 pm. The total number of cars parked was 964. This is a lower number than the April 2004 count. Therefore the 'Parking Count Study' from April 2004 by Rodgers Consulting, Inc. shows that worst case. The April 2004, Friday evening count at 8 pm, documents that there are a maximum of approximately 1000 cars parked in the 1279 existing spaces. The majority of the vacant spaces are in the west half of the property. There are a total of 27 existing parallel parking spaces that are not on the approved plan and that do not meet City standards. These spaces are not included in the existing condition noted above. The majority of the spaces are located on Market Street West and Market Street

LAND USE EVALUATION | PLANNING | CIVIL ENGINEERING | SURVEYING | NATURAL RESOURCES

19847 Century Blvd., Suite 200, Germantown, Maryland 20874
(301) 948-4700 | FAX (301) 948-6256 | FREDERICK (301) 253-6609

Y:\589a4\2004 restaurant rev\corres\020905 SDP BLDG J PLAN COM.DOC

East. The City has recognized that these spaces exist but has asked us to not include them on the revised plan since they do not meet City standards. Practically the waiver is only for 6 spaces if the non standard parallel spaces are counted.

In all cases the number of spaces that exists and the number of spaces used meet the needs of the proposed retail, theatre and restaurant uses. The parking inventory from April 2004 documents this. There are approximately 1000 cars parked in the proposed 1289 spaces at the busiest time. The approximate 289 spaces not used as document on the parking inventory support the rationale for the approximate 33 space parking waiver.

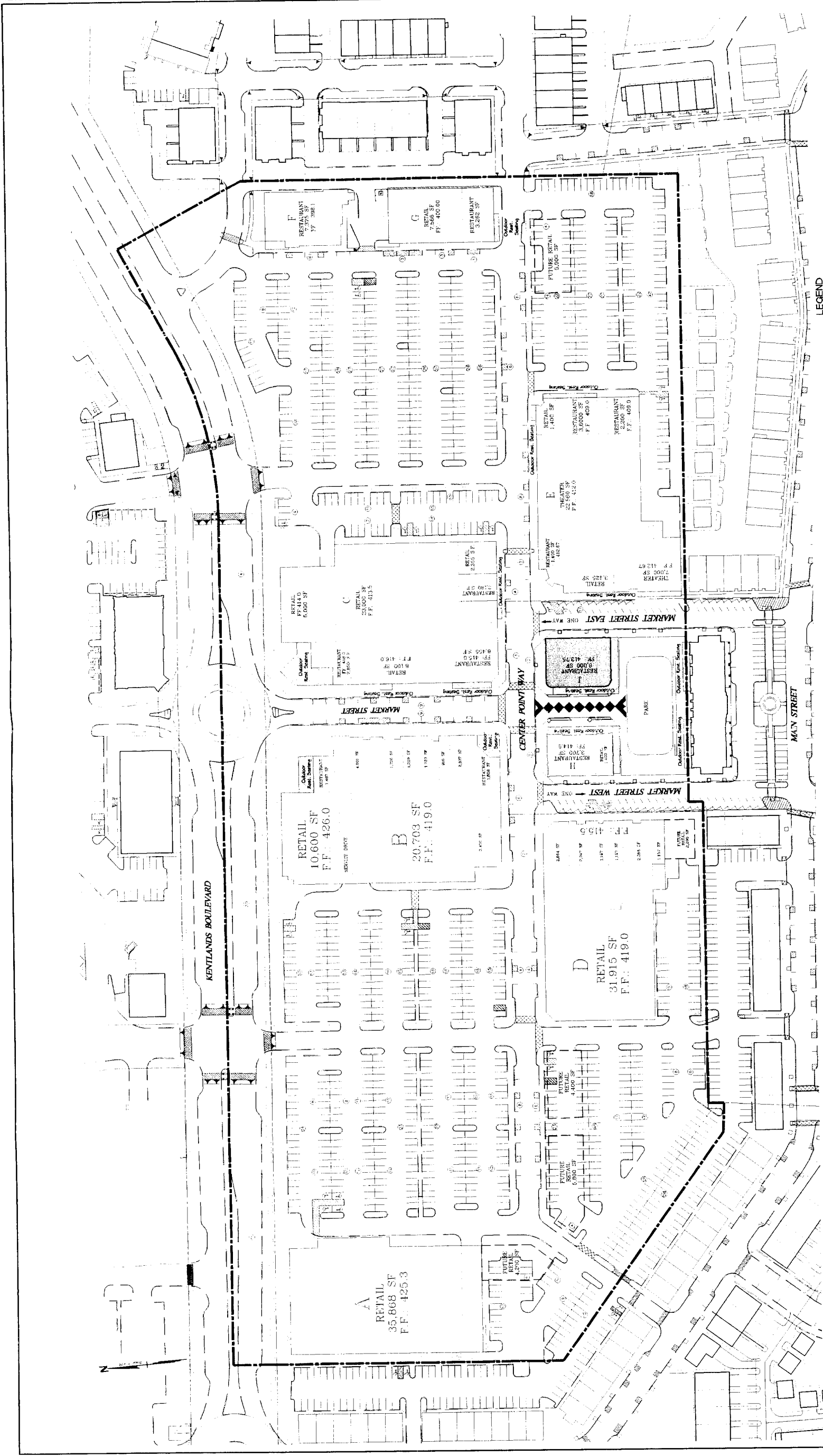
If you have any questions please give me a call.

Sincerely,



Gary F. Unterberg
Vice President

CC: S. Cregger, The Beatty Company
R. Harris, Holland & Knight
G. Ossont, P&C
M. DePoe, P&C



LEGEND:

- Proposed Handicap Parking Conversion to Regular Parking Space
- Added Parking
- Outdoor Restaurant Seating

- LEGEND
- PROT. GRAZE
 - EX. GRAZE
 - PROP. CURB & GUTTER
 - EX. CURB & GUTTER
 - TOP OF CURB SPOT GRADE
 - FLOW LINE SPOT GRADE
 - HANDICAP RAMP
 - TRASH RECEPTACLE

NOTES:
1. ALL DIMENSIONS, FINISH ELEVATIONS, AND GRADES SHALL BE SHOWN.
2. CURB, GUTTER, AND GRASS SHALL BE INSTALLED AS SHOWN.
3. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL AREAS SHOWN.
4. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL AREAS SHOWN.
5. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL AREAS SHOWN.

JOINT EXHIBIT #33

SDP-04-002

SDP-04-002

KENTLANDS/LAKELANDS

City of Gaithersburg
Gaithersburg section district No. 9
Montgomery County, Maryland

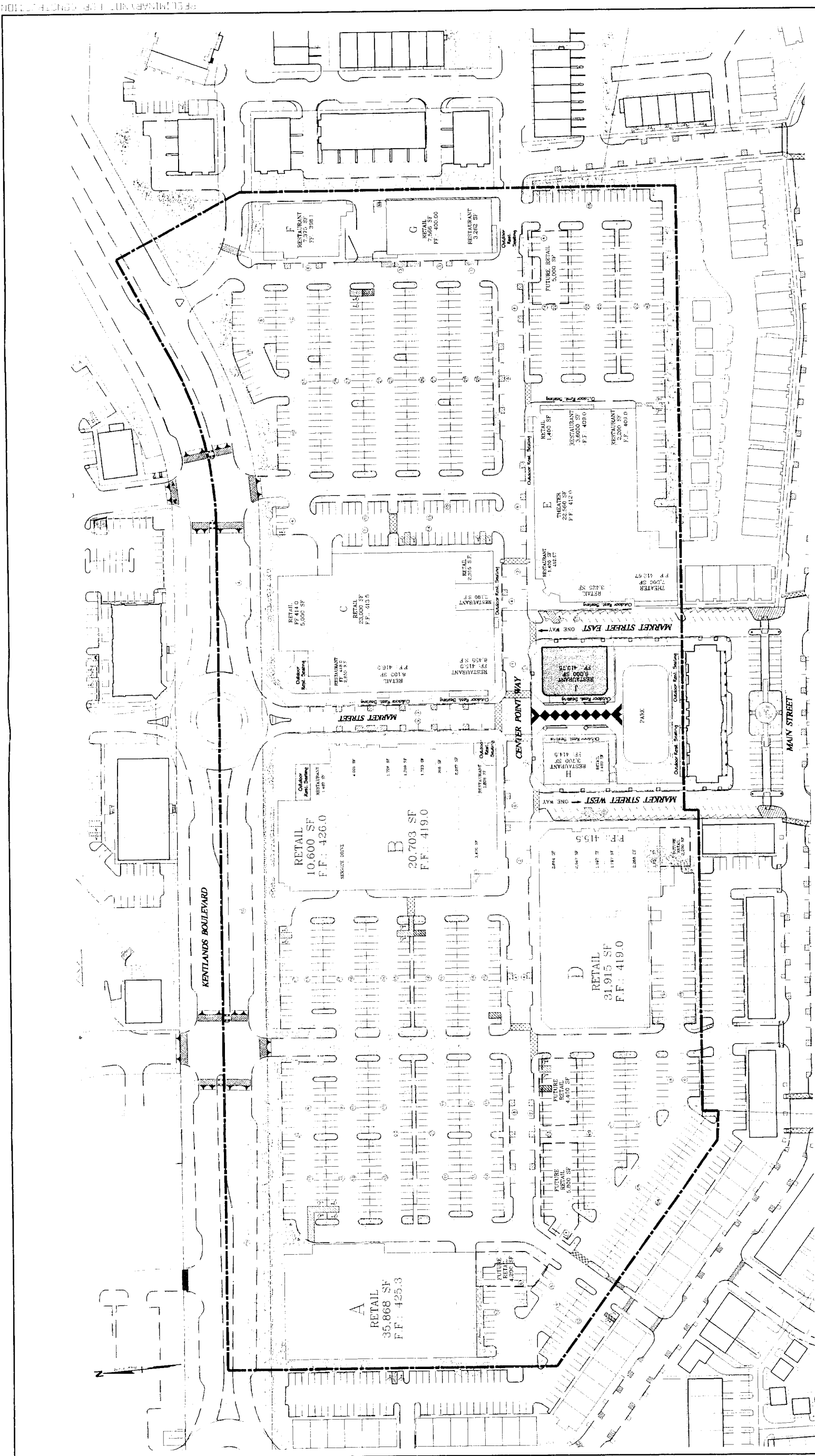
RODGERS CONSULTING

Rodgers Consulting, Inc.
9700 Gaithersburg Road
Gaithersburg, MD 20877
301-948-0750
301-948-0756 (fax)
301-953-6609
www.rodgers.com

SDP 7-1 Amendment, Site Plan
Bldg "J" Converted to Restaurant

Owner:
Kentlands II LLC, C/O The Beauty Company
6824 Elm Street
Suite 200
McLean, Virginia 22101
(703) 821-4006
Attn: Mr. Scott Cragger

PROJECT: SDP 7-1 AMENDMENT, LANDSCAPE PLAN
DATE: 01/15/2024



JOINT EXHIBIT #35

SDP-04-002

MARKS-BRYONE, R. L.

PROPOSED GRADE

EXISTING GRADE

PROPOSED CURB & GUTTER

EXISTING CURB & GUTTER

TOP OF CURB SPOT GRADE

FLOW LINE SPOT GRADE

LANDSCAPE RAMP

TRAFFIC RECEIPTABLE

EXISTING TREES

0.00 10'

0.00 0.00

LEGEND:

- Proposed Handicap Parking Conversion to Regular Parking Space
- Added Parking
- Outdoor Restaurant Seating

NOTES:
1. ALL PERIMETER FENCES SHALL BE 6' HIGH.
2. CURB, GUTTERS, SIDEWALKS AND PARKING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF THE MARYLAND MANUAL.
3. ALL PAVING, STORM DRAINAGE, UTILITIES AND IMPROVEMENTS, OR RESPONSIBILITY OF THE OWNER.

NO LANDSCAPE REVISION.

SDP-04-002

MARKET SQUARE

KENTLANDS/LAKELANDS

City of Calverton
Calverton, Maryland
Montgomery County, Maryland

OWNER: Kentlands II LLC, c/o The Beatty Company
4500 Kentlands Drive
Suite 200
McLean, Virginia 22101
(703) 821-0000
Attn: Mr. Scott Cragger

DESIGNER: Rodgers Consulting, Inc.
Calverton, MD 20687
301 946 6756 (fax)
301 946 4700
www.rodgers.com

DATE: 01/15/24
JOB NO: 058944
SHEET: 10 OF 15
PROJECT: SDP 7-1 AMENDMENT, LANDSCAPE PLAN

SCALE: 1" = 50'

DATE: 01/15/24
JOB NO: 058944
SHEET: 10 OF 15
PROJECT: SDP 7-1 AMENDMENT, LANDSCAPE PLAN

SDP 7-1 Amendment, Landscape Plan

Bldg "J" Converted to Restaurant

**Market at Main, LLC
257 Market Street West
Gaithersburg, Maryland 20878**

Distribution M&C: 2/14/05 GO

February 7, 2005

Mayor and Council of Gaithersburg
31 South Summit Avenue
Gaithersburg, Maryland 20877

Re: SDP-04-001 (MARKET SQUARE)

Dear Mayor Katz and Members of City Council:

During the past two years we have owned the property at 257 Market Street West, we have become increasingly concerned about the parking available for our clients as well as for ourselves.

We realize that the Kentlands/Lakelands area is somewhat unique and that certain outcomes were not envisioned. It appears that the original planners thought that most people would walk to the business district and planned very limited parking. However, the reality is that this area has become a destination for people from Rockville, Potomac and Germantown as well as Gaithersburg. Parking is woefully inadequate. The office building at 500 Main Street is not yet occupied yet but our clients frequently have difficulty locating a parking space nearby. This lack of parking has resulted in our inability to find a tenant for the residential unit in our live-work unit. The last tenant left because of the parking problem. Obviously, this has a negative effect on our investment.

Please do not grant any more parking waivers. The reality of the situation cannot be realistically gauged until the office building is fully occupied. At that time, a study should be done. To grant more parking waivers would be unfair to those owners and residents already there. It would be a mistake to take action that may very well cause the failure of small businesses you encouraged to locate there by using this innovative land use. The parking waivers for 500 Main Street were granted before the Lakelands live-work units were fully occupied which was a big mistake. Please do not repeat this mistake. At the very least, no decision should be made until the impact of this building can be fully evaluated.

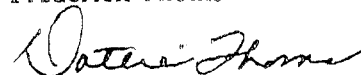
Instead of further acerbating the problem, it is time for the Planning Department to consider the future implications for the entire Lakelands/Kentlands area and work with the present business owners and residents to insure continued success of the community.

Several other communities are presently being developed using a similar concept. The developers are aware of the mistakes that were made and are building more parking. It is important for the continued success of our community that we address these issues. Otherwise, the success of these new communities may very well be at the expense of ours.

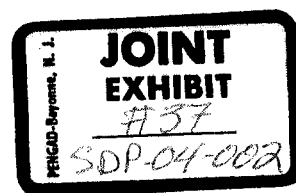
Yours truly,



Frederick Thoms



Dorothea (Dottie) Thoms



COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Planning Commission

VIA: Trudy Schwarz, Community Planning Director

FROM: Jacqueline Marsh, Associate Planner

DATE: February 9, 2005

SUBJECT: SDP-04-002 – Application request for an Amendment to Schematic Development Plan SDP-7-1 from 6,000 square feet of retail use to restaurant use and parking waiver request per SDP-04-002¹ in accordance with §24-160D.11 and §24-198(c) of the City Code. The subject property is located at 653 Center Point Way, Parcel A, Block WW Market Square Kentlands, Building J. The subject property is zoned MXD (Mixed Use Development).

APPLICANT/OWNER:

Kentlands II LLC
c/o The Beatty Company
6824 Elm Street
McLean, VA 22101

REQUEST:

The applicant is proposing to change the approved schematic development plan SDP-7-1, from 6,000 square feet of retail to 6,000 square feet of restaurant with outdoor seating at an existing one story building, which is currently vacant. The application also requests a waiver of the required parking spaces.

LOCATION:

The subject property is located at 653 Center Point Way, Parcel A, Block WW, Market Square Kentlands, and is bordered by Center Point Way to the north and Market Street East. The ice rink is directly to the south of the building.

¹ The original application for SDP-04-002 included the request for the revision of 6,000 square feet of retail use to restaurant and the addition of a new 6,200 square foot restaurant site at 901 Center Point Way. The modified application has since eliminated the request for the new restaurant site.



TAX MAP REFERENCE:

Tax Sheet: FS 123

Tax ID Number: 09-3203814

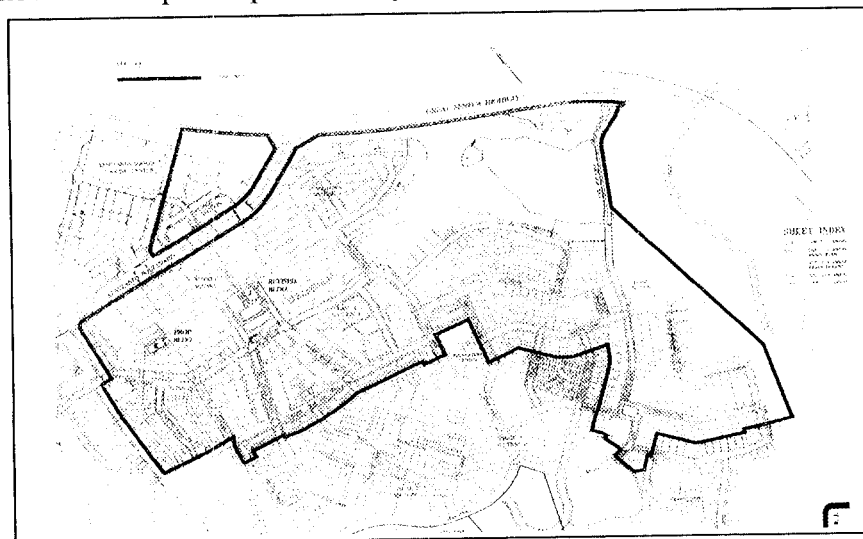
BACKGROUND:

The subject property is part of the original annexation of 928.38 acres in 1967 (Kent property). In 1988, this property underwent a Master Plan revision. Its land use was changed from Low Density Residential to Commercial/Industrial-Research-Office, and the property was subsequently rezoned from the R-A (Low Density Residential) Zone to the MXD (Mixed Use Development) Zone, as part of the Zoning Map Amendment Application Z-262 for the Kentlands. The accompanying sketch plan was approved in February of 1989.

In March of 1996, the City held a planning charette for the remainder of the Kentlands and the old National Geographic property, which subsequently led to the City again reviewing the land use of the area. The City adopted a revised Master Plan for Neighborhood Four, which designated this area for Commercial-Office-Residential land use in February of 1997. The zoning of the property remained MXD.

In July of 1997, the Mayor and City Council approved Schematic Development Plan SDP-7-1 and in August of 1997, the Planning Commission approved the retail area as Final Site Plan K-1084. In both cases, the parcel approved the subject area for a one-story 6,000-square foot building devoted to retail use. This plan is still a valid site plan in accordance with §24-173 of the City Code. Construction was completed in 1998; however, it was never fitted out for a tenant and has since remained vacant.

In December of 2003, the Mayor and City Council adopted the updated Land Use Element of the City of Gaithersburg Master Plan, which included Market Square as a Special Study Area. At the present time, the Market Square Special Study has not been completed.



Approved SDP-7-1

The applicant filed SDP-04-002 with the Planning and Code Administration on August 17, 2004. A joint public hearing was held by the Mayor and City Council and the Planning Commission on November 15, 2004. The applicant proposed to convert 6,000 square feet of retail to restaurant and build an additional 6,200 square feet of restaurant. At the hearing, the Council and Commission expressed concerns over the applicant's parking studies and proposed parking calculations. Following the public hearing, staff worked with the applicant to set parameters addressing the issues raised by the Council and the Commission, as well as the public.

A joint public work session of the Mayor and City Council and the Planning Commission was held on January 24, 2005. The applicant revised the request to include only the conversion of 6,000 square feet of retail to restaurant at 653 Center Point Way. The applicant provided an updated parking study and a revised parking layout for the east and west parking lots of Market Square. The Planning Commission held its record open until February 9, 2005, with a recommendation scheduled to be made to the City Council at the Commission's February 16, 2005, meeting.

PROPOSED USE

Site Considerations

The revised site plan is for 6,000 total square feet of restaurant use with outdoor seating. The applicant is proposing to occupy two separate restaurant businesses in this building. The Star Diner Restaurant is adjacent to the subject property, across a paved pedestrian area located on the corner of Central Point Way and Market Street West. On the other side of the building is a movie theatre. Directly to the west of the building is a concrete-pattern paved walkway that leads to the ice rink from Central Point Way.



653 Center Point Way – north elevation



653 Center Point Way – east elevation

Parking

The Market Square center is parked at five (5) spaces per 1,000 square feet of retail use. The existing development is 254,650 square feet of retail, theatre, and restaurant use. A total of 1,274 spaces are required, which allows up to 15 percent restaurant use. A total of 1,279 spaces exist. There is a surplus of five (5) spaces using the required five (5) per 1,000 square feet for retail centers over 250,000 square feet.

Currently the center is at the 15 percent restaurant use limit; therefore, the proposal for the change of use at 653 Center Point Way from 6,000 square feet of retail to restaurant will require a parking waiver. This amount of new restaurant space exceeds the 15 percent limit for the center, which will change the parking requirements. The remaining restaurant space over 15 percent will be parked at thirteen (13) per 1,000 square feet (see the “Parking Requirements” chart below).

Since there was a deficit in parking, Rodgers Consulting submitted two parking count studies for the Market Square area. The first study was conducted in April of 2004, on a Friday and Saturday night at hour intervals for eight hours total. These studies indicated surplus parking at peak periods in the southwest parking lot between the Michael’s craft store and the Whole Foods building.

In response to comments from the joint public hearing on November 15, 2004, staff requested further review of the parking. The applicant submitted another parking study for the Market Square Center that counted vacant parking spaces over four different days for twenty time intervals from December 17-21, 2004. This parking study supported the determination that the southwest parking lot was underutilized and a majority of the cars parked in the east parking lot near the movie theatre. The parking studies showed that an average of 25-30 percent of the parking spaces remained vacant.

In addition, the applicant has presented a revised parking layout for the Market Square site plan, which shows the addition of six (6) new parking spaces by converting four (4) handicap spaces

(currently the center is over its handicap parking spaces requirement limit) and adding parking spaces at specific locations throughout the center.

Using the new and converted parking spaces, there is a thirty-three (33) space parking deficit, which would require a waiver at the site plan approval. The applicant has demonstrated through two variable parking studies that surplus parking is available for the center.

Market Square Kentlands Parking Requirements

Existing Conditions Per 5/1,000 SF (Previously Approved)

<u>Items</u>	<u>SF</u>	<u>Parking Requirement</u>
Retail, Theater (5/1,000 SF)	216,323	1081.6
Restaurant (5/1,000 SF)(15%)	38,327	191.6
Total Parking Required	254,650	1,274

Existing Parking Per Survey	1,279
Parking Surplus Existing/Approved	5

Proposed Building J Converted to Restaurant

<u>Items</u>	<u>SF</u>	<u>Parking Requirement</u>
Existing Retail, Theater – Building J (216,323 SF – 6,000 SF)	210,323 SF	
Existing Restaurant + Building J (38,327 SF + 6,000 SF)	44,327 SF	
TOTAL	254,650 SF	

Parking Requirements (5/1,000)

<u>Items</u>	<u>SF</u>	<u>Parking Requirement (5/1,000 SF)</u>
Retail + 15% of 254,650 SF of Restaurant (38,197.5 SF)	248,520.5	1,242.6 (5/1,000 SF)
Restaurant over 15% (44,327 SF – 38,197.5 SF)	6,129.5	79.7 (13/1,000 SF)
Total	254,650 SF	1,322
Available Existing Parking		1,279
Handicap Conversion		4
Parking added behind Building D		2
Parking added next to Building G		4
Total Parking available*		1289
Parking Deficit		-33
<u>Parking Wavier Required:</u>		<u>33</u>

*Includes the 23 required handicap spaces

Architecture

The architecture of the subject building currently mimics that of the Star Diner, which is immediately adjacent to the property across a small pedestrian gathering space. Staff recommends the facade should be updated at the time of final site plan. In addition, there should be maintenance to this area with decorative landscaping and other aesthetic improvements, such as replacement and upgrades to street furniture, like planters, benches, and waste receptacles.

REQUIRED FINDINGS:

DIVISION 19. MXD ZONE, MIXED USE DEVELOPMENT * * *

Sec. 24-160D.10. Findings required.

- (b) The city council shall approve a schematic development plan only upon the finding that:
 - (1) The plan is substantially in accord with the approved sketch plan; and
 - (2) The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and
 - (3) The plan is in accord with the area master plan and any accompanying special condition or requirements contained in said master plan for the area under consideration; and
 - (4) The plan will be internally and externally compatible and harmonious with existing and planned land uses in the MXD zoned area and adjacent areas; and
 - (5) Existing or planned public facilities are adequate to service the proposed development contained in the plan; and
 - (6) The development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and
 - (7) The plan, if approved, would be in the public interest.

STAFF RECOMMENDATION:

Staff finds that the application complies with the requirements of the MXD Zone, Division 19 of the City Zoning Ordinance. It is in the public's interest to have this vacant building utilized as a viable use and space for this area that will promote community and social gathering in a harmonious manner. The plan remains in accordance with the sketch plan for Market Square Kentlands and Lakelands, which encouraged the mixture of uses in one comprehensive vicinity. The plan meets the

requirements of the City's present Master Plan for Market Square. The proposed outdoor seating for the restaurant creates a sense of place that can enhance Market Square.

Staff recommends that the Planning Commission recommend APPROVAL of SDP-04-002, an amendment to SDP-7-1, to the Mayor and City Council, as it complies with §24-160D.10(b) and §24-198(c) of the Zoning Ordinance, with the following conditions:

1. At the time of site plan approval, the Planning Commission shall grant the applicant a thirty-three (33) space parking waiver;
2. The applicant shall submit elevations for façade modifications and landscaping upgrades for the building at the time of final site plan;
3. The applicant shall submit a waste removal schedule to be approved by staff prior to the issuance of final occupancy permits;
4. The applicant shall participate in the Market Square Special Study Area process and community based planning exercises as part of the City's Master Plan update;
5. Any future density build-out for Market Square shall require a Schematic Development Plan amendment and City approval; and
6. The applicant shall continue negotiations with City staff to create a public/private partnership and enhance the ice rink area prior to the issuance of final occupancy.

Jacqueline Marsh - SDP-04-002

From: Edward Fowlkes Jr <turbowagon@yahoo.com>
To: <plancode@gaithersburgmd.gov>
Date: 02/15/2005 2:21 PM
Subject: SDP-04-002

I am against the parking waiver request for *SDP-04-002 - The Beatty Company*. There is already a shortage of parking in that area. Reduction of parking spaces will just exacerbate the current problem. However, I am for the re-zoning to Restaurant use.

Regards,
Ed Fowlkes, Jr.
202B Heathwalk Street

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and delete the material from the computer.

Do you Yahoo!?
Yahoo! Search presents - Jib Jab's 'Second Term'



Jacqueline Marsh - Market Square Development Plan Revision

From: <marybostwick@comcast.net>
To: <plancode@gaithersburgmd.gov >
Date: 02/15/2005 9:02 PM
Subject: Market Square Development Plan Revision

RE:

SDP-04-002 - The Beatty Company: Request to amend the approved schematic development plan SDP-7-1, Kentlands Market Square, Parcel A, Block WW, Building J, from 6,000 square feet of retail land use to restaurant use and parking waiver request. The subject property is located at 653 Center Point Way, north of Main Street and south of Kentlands Boulevard, in Kentlands Market Square, and is zoned MXD (Mixed Use Development).

The Beatty Company is requesting a change to the approved use for Building J (the empty one story building located between the Star Diner and the Kentlands Cinemas) from retail land use to restaurant use and permission to reduce the number of parking spaces found at Market Square.

I do not support the plan to convert retail space to restaurant space and reduce the available parking for the following reasons:

***Market Square is already suffering traffic congestion.**

***The vision for the Kentlands and Lakelands communities is being eroded.**

I would like to see a proposal in line with the small town center originally envisioned.

**Mary Bostwick
1376 Main Mews
Gaithersburg, MD 20878
301 869 6308 (eve)
301 975 4280 (day)**



Jacqueline Marsh - Kentlands Market Square

From: "Michael S. Rosen" <msrosen@comcast.net>
To: <plancode@gaithersburgmd.gov>
Date: 02/15/2005 10:59 PM
Subject: Kentlands Market Square

I do feel that new restaurants are needed in Kentlands, but I agree that there needs to be more parking. The current state of the building in question is an eyesore and something needs to be done with it. It seems the only tenants willing to rent the space are restaurants. I don't know why the proposal requests a reduction in the number of parking spaces, however.

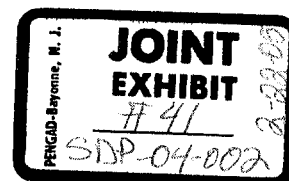
I support the new restaurants, but Kentlands needs a parking garage.

Thank you,

Michael Rosen

522 Leaning Oak St

Gaithersburg MD 20878



Jacqueline Marsh - Beatty Company request

From: "Deborah Quintal" <debquintal@verizon.net>
To: <plancode@gaitthersburgmd.gov>
Date: 02/15/2005 11:21 PM
Subject: Beatty Company request

I am a resident of the Lakelands. Re SDP-04-002 - The Beatty Company: Request to amend the approved schematic development plan SDP-7-1, Kentlands Market Square, Parcel A, Block WW, Building J, from 6,000 square feet of retail land use to restaurant use and parking waiver request- I am very much in favor of this request. I had always thought the building in question was going to be a restaurant. I am surprised to hear that it was designated for retail. I think a restaurant would be perfect for that site and do not think that another retail store would add any charm to the area. Thank you.

Debbie Quintal

922 Rockborn Street



Jacqueline Marsh - Kentland's Market square

From: "janice roberts" <elizjan1@comcast.net>
To: <plancode@gaithersburgmd.gov>
Date: 02/16/2005 11:09 AM
Subject: Kentland's Market square

In reference to the amendment below as a resident of Lakelands I would like to express my disapproval for this amendment.

There are already to many restaurants in this area and there is a need for quality retail such as a Gap or Ann Taylor. My name is Janice Roberts and I live at 310 Chestnut Hill St., Gaithersburg, MD 20878. Thank-you

SDP-04-002 - The Beatty Company: Request to amend the approved schematic development plan SDP-7-1, Kentland's Market Square, Parcel A, Block WW, Building J, from 6,000 square feet of retail land use to restaurant use and parking waiver request. The subject property is located at 653 Center Point Way, north of Main Street and south of Kentlands Boulevard, in Kentlands Market Square, and is zoned MXD (Mixed Use Development).



COMMUNICATION: PLANNING COMMISSION

MEMORANDUM TO: Mayor and City Council

VIA: David Humpton, City Manager

FROM: Jacqueline Marsh, Associate Planner *jm*

DATE: February 17, 2005

SUBJECT: SDP-04-002 - Application request for an Amendment to Schematic Development Plan SDP-7-1 to convert 6,000 square feet of retail use to restaurant use and parking waiver request per SDP-04-002 in accordance with §24-160D.11 and §24-198(c) of the City Code. The subject property is located at 653 Center Point Way, Parcel A, Block WW Market Square Kentlands, Building J. The subject property is zoned MXD (Mixed Use Development).

At its regular meeting on February 16, 2005, the Planning Commission made the following motion:

Commissioner Levy moved, seconded by Vice-Chair Hicks, to recommend SDP-04-002 for approval to the Mayor and City Council, with the following conditions:

1. At the time of site plan approval, the Planning Commission shall grant the applicant a thirty-three (33) space parking waiver;
2. The applicant shall submit elevations for façade modifications and landscaping upgrades for the building at the time of final site plan;
3. The applicant shall submit a waste removal schedule to be approved at the time of final site plan;
4. The applicant shall participate in the Market Square Special Study Area process and community based planning exercises as part of the City's Master Plan update;



5. Any future density build-out for Market Square shall require a Schematic Development Plan amendment and City approval; and
6. The applicant shall continue negotiations with City staff to create a public/private partnership and enhance the ice rink prior to the issuance of final occupancy.
7. The applicant is to work with staff to provide a directional signage plan for the parking areas at the time of final site plan approval.

Vote: 5-0